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1 be able to travel on airlines without us showing
2 I.D. and now we do. Times change. I think, you
3 know, people have to adapt to the situation.

4 REPRESENTATIVE ANCHIA: But you would
5 agree with me that traveling on an airline being
6 kind of a luxury, being this fundamental right that
7 we are -- we are born with -- a U.S. citizens under
8 the U.S. Constitution, would you agree these are a
9 little bit different situations, wouldn't you?

19 I think people could adapt to this. I
20 think it's more a sense of integrity in the rolls,
21 because obviously a voter registration card doesn't
22 have any photo I.D. Someone that gives out voter's
23 registration cards, thousands sometimes a week,
24 people come in person and say, "I'm Jim Jones at
25 1515 Elm Street. Give me the card, and I'll go



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1 vote," and there's no guarantee that person is who
2 they say they are.

3 REPRESENTATIVE ANCHIA: And I'm
4 sympathetic. I mean, I -- I -- I'm really, really
5 struggling with this, because I don't want -- I
6 don't want --

7 GEORGE HAMMERLEIN: I don't need an
8 I.D. to register to vote. That might alleviate it.
9 But there is no -- you never have to prove who you
10 are ever in the process right now.

11 REPRESENTATIVE ANCHIA: Yeah. Let
12 me -- I'll repeat real quick and say that I'm
13 struggling with this, too. And I find your
14 testimony valuable.

15 But weighing -- weighing access to the
16 exercise of your franchise --

17 GEORGE HAMMERLEIN: Uh-huh.

18 REPRESENTATIVE ANCHIA: -- versus
19 sort of legislating against fraud and a fraud that
20 we haven't been able to really quantify other than
21 maybe some folks testifying, is it -- it being
22 occasional or -- it -- it's a tough balance, you
23 know. And I hope you appreciate that.

24 GEORGE HAMMERLINE: I mean, we have
25 hundreds of -- you know, this last general election



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1 we had hundreds of provisional ballots where people
2 put in names and we can't find anything associated
3 with any of them, that they were ever registered to
4 vote. You know, those names were never registered
5 at the address they were put in. You know, if it
6 wasn't for the provisional ballot program those
7 votes would have gone in the hopper and been
8 counted.

9 CHAIRMAN BOHAC: Any other questions?
0 Thank you, Mr. Hammerlein.

14 MARGARET SPINKS: Good afternoon.
15 I'm Margaret Spinks with DPS. I'm here if anyone
16 has any questions.

17 CHAIRMAN BOHAC: Members, do you have
18 any questions for the witness? Representative
19 Hughes.

20 REPRESENTATIVE HUGHES: Ms. Spinks,
21 could you just help me out with the state of the law
22 regarding these DPS-issued I.D. cards.

23 I'm an adult and I don't have a Texas
24 driver's license. Does the law require me to have a
25 DPS I.D. card?



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1 MARGARET SPINKS: No, it does not.

2 REPRESENTATIVE HUGHES: Okay. And if
3 a police officer stops me on the street -- I guess I
4 hope I'm not driving without a driver's license, so
5 I'm not -- I just -- I don't have to show them any
6 I.D.? I'm not required to have any?

7 MARGARET SPINKS: Right.

8 REPRESENTATIVE HUGHES: And I think
9 that's a good thing, by the way. I don't think we
10 should have to show our paper. I mean, this is
11 America. I just want to make sure I was clear on
12 what the law is.

13 MARGARET SPINKS: Okay. Correct.

14 REPRESENTATIVE HUGHES: Okay.

15 Thanks.

16 MARGARET SPINKS: Okay.

17 CHAIRMAN BOHAC: Representative
18 Hughes, could you repeat that question? I was -- I
19 was preoccupied and it sounded very, very important
20 and very critical to me.

21 REPRESENTATIVE HUGHES: Well, that's
22 kind of you, Chair. Wow, nothing sinister about
23 this.

24 Well, it had to do with, you know, most of
25 us who drive always have a Texas driver's license.



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1 But there's this -- this DPS-issued state I.D. card
2 for those who don't drive. And I was -- I was
3 curious as to whether -- whether adults are required
4 to carry one of those, and I understand that they
5 are not.

6 MARGARET SPINKS: No, they're not.

7 REPRESENTATIVE HUGHES: Okay. And so
8 then what -- can you give us an idea of how many of
9 those are out there as opposed to -- I mean, just
10 percentage-wise compared to driver's license, how
11 common these are?

12 MARGARET SPINKS: Yes.

13 REPRESENTATIVE HUGHES: I don't want
14 to put you on the spot, but I'm curious.

15 MARGARET SPINKS: Last year we issued
16 approximately 607,000 I.D. cards.

17 REPRESENTATIVE HUGHES: Okay. And --

18 MARGARET SPINKS: And we have about
19 3.5 million I.D. cards in our database.

20 REPRESENTATIVE HUGHES: Okay. And
21 how many driver's licenses. Do you know?

22 MARGARET SPINKS: About 4.3 million
23 last year.

24 REPRESENTATIVE HUGHES: Okay. And so
25 someone who gets one of these cards is someone who



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1 doesn't drive but needs photo I.D. for writing
2 checks, traveling. Is that the idea?

3 MARGARET SPINKS: Yes.

4 REPRESENTATIVE HUGHES: Not for
5 driving cars, I hope, but --

6 MARGARET SPINKS: That's correct.

7 CHAIRMAN BOHAC: Representative
8 Anchia has a question.

9 REPRESENTATIVE ANCHIA: Yeah. Thank
10 you, Mr. Chair.

11 Your -- your testimony is that there are
12 about 4-plus million driver's license.

13 MARGARET SPINKS: That were issued
14 last year in fiscal year '04.

15 REPRESENTATIVE ANCHIA: What is the
16 total amount? What is the total penetration of
17 driver's license --

18 MARGARET SPINKS: Total amount.

19 REPRESENTATIVE ANCHIA: -- as a
20 percentage of total population of the State?

21 MARGARET SPINKS: Total licensed
22 drivers in the file is 15 million.

23 REPRESENTATIVE ANCHIA: 15 million.

24 Okay. And -- and then another 3 million of --

25 MARGARET SPINKS: That's correct.



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1 3.5 million I.D. cards.

2 REPRESENTATIVE ANCHIA: So 18 --

3 18 million. And there are how many people in Texas,
4 just out of curiosity, 22?

5 MARGARET SPINKS: Approximately
6 2 million.

7 REPRESENTATIVE ANCHIA: Okay. Okay.

8 I'm just trying to get a feel for what the
9 penetration rate is of these vote -- these I.D.
10 cards and driver's licenses to determine what kind
11 of burden we would be placing on prospective voters.

12 MARGARET SPINKS: Okay.

13 REPRESENTATIVE ANCHIA: That's fair.

14 MARGARET SPINKS: (Inaudible).

15 REPRESENTATIVE ANCHIA: That's fair.
16 That's fair.

17 CHAIRMAN BOHAC: All right. If
18 there's no other questions, thank you for your
19 testimony. It was quite interesting.

20 MARGARET SPINKS: All right.

21 CHAIRMAN BOHAC: The Chair now calls
22 Frank Reilly. He is with Republican Party of Texas.
23 He is here to testify for the bill.

24 Will you please introduce yourselves and
25 tell us who you're with.



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1 FRANK REILLY: Thank you,

2 Mr. Chairman.

3 Frank Reilly on behalf of Republican Party
4 of Texas and for House Bill 1706. I've given some
5 written testimony, so I won't read it.

6 I did want to say that (inaudible) the
7 legislation will set a new standard to increase
8 public confidence and that people who show up in the
9 polls are duly registered voters. We want to be
10 sure that the legislation also ensures that no
11 qualified registered voters will be denied the right
12 to vote on election day.

13 I wanted to point out briefly there's been
14 some concern about people showing up at the last
15 minute on the polls. And you all have all heard the
16 testimony already that there's been a -- a continual
17 increase over the years of people who come in and
18 early vote. So people who come in and early vote
19 are a lot less likely to be having these problems
20 that they might have showing up at 6:55 p.m. on
21 election day without a photo I.D. In other words,
22 they will have an opportunity to cure themselves in
23 those particular times.

24 The bill's particular fundamental right to
25 have each person's vote count, and they do so



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1 virtually with no burden on these additional voters.

2 I really don't believe that requiring someone to
3 come to the polls with an I.D. or I.D.s other two
4 alternative forms of I.D.s is a very onerous burden
5 for folks. It should really be pretty simple for
6 people to -- to get there.

7 I want to know the public support for this
8 type of litigation across all spectrums. Rasmussen
9 research Poll Taken in 1994 shows that 82 percent of
10 Americans support laws that require people to carry
11 I.D.s to the polls. And of those, 89 percent of the
12 Bush supporters and 75 percent of the Kerry
13 supporters supported this.

14 The legislation is -- is good. It doesn't
15 conflict with HAVA. In fact, it very well dovetails
16 with it on all the requirements that might allow on
17 a dual track. And we support this legislation.

18 Be happy to answer any questions.

19 Apologize for my voice. I'm recovering from the flu
20 today, but I'm cured so no one's going to get
21 infected, I hope.

22 CHAIRMAN BOHAC: Any -- any questions
23 for the witness?

24 REPRESENTATIVE HUGHES: I've got one
25 question and we could probably ask the Secretary of



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1 State and Chair already talked about HAVA and how we
2 know --

3 Do you know what other states do? Do you
4 have any knowledge about this or is it -- is it a
5 trend? If you don't know, that's okay.

6 FRANK REILLY: I don't know for
7 certain. I do know it's a trend. I know there are
8 other states requiring I.D.s. I know Georgia's
9 currently debating the legislation and -- but there
10 are quite a few other states that require either
11 photo identification or in this case, like
12 Representative Denny and -- and Representative
13 Kolkhorst are trying to do, having the alternative
14 to provide two other alternative forms of
15 identification.

16 REPRESENTATIVE HUGHES: Thanks.

17 FRANK REILLY: Sure.

18 REPRESENTATIVE HUGHES: Thank you,
19 sir.

20 CHAIRMAN BOHAC: Thank you very much.
21 The Chair now calls Germaine Martinez. He is with
22 the Texas Department -- she; sorry about that.

23 UNIDENTIFIED REPRESENTATIVE:
24 (Inaudible).

25 CHAIRMAN BOHAC: She is a Texas --



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1 with the Texas Department of Public Safety. She is
2 neutral. She is here as a resource witness. If
3 there are no questions, she will not testify.

4 Do you have any questions for her? Thank
5 you very much. Any questions? Thank you very much.
6 Don Alexander. He is with the Texas Association of
7 Election Administrators. He is against the bill.
8 Tell us who you're with.

9 DON ALEXANDER: I'm with the Texas
10 Association of Election Administrators. And I've
11 expressed this to Representative Denny in her
12 office. And my concern for the organization is that
13 there's confusion in the way that the bill is
14 written as to whether or not a provisional ballot
15 would be required to be executed, and it needs to be
16 clarified. And I understand this may be going back
17 for modification to the current law. Because if you
18 go and you look in the back of the provisional
19 ballot there's an Item 5, which voter is on the list
20 of registered voters but didn't provide the
21 certificate of voter or I.D. If the judge checks
22 that and you go to the bottom where the ballot
23 looks -- and it says that bottom five is checked but
24 the ballot is not counted.

25 So my concern is we're going to go out and



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1 generate a lot of different provisional ballots for
2 people that are really eligible to vote. Then when
3 it goes into the ballot board, because that block's,
4 checked, then the ballot is not going to get
5 counted.

6 CHAIRMAN BOHAC: Members, do you have
7 any questions for the witness? Representative
8 Hughes.

9 REPRESENTATIVE HUGHES: To -- to
10 follow up on that, to make sure I understand current
11 law, if I go to the polling place and I don't have
12 my card but I'm on the list and they can verify, I
13 can sign an affidavit and I can vote, is that a
14 provisional ballot or is it a regular --

15 DON ALEXANDER: It's a provisional
16 ballot if you don't have your certificate or if you
17 don't have I.D.

18 REPRESENTATIVE HUGHES: Even if I'm
19 on the list and I sign the affidavit, it's still a
20 provisional ballot?

21 DON ALEXANDER: Right.

22 REPRESENTATIVE HUGHES: Okay. Thank
23 you. I wasn't clear on that, I guess.

24 CHAIRMAN BOHAC: If there's no other
25 questions, thank you very much.



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1 The Chair will now call Cliff Borofsky.

2 He is with Bexar County. He is against the bill.

3 And, Cliff, if you could introduce yourself --

4 CLIFF BOROFSKY: Yes --

5 CHAIRMAN BOHAC: -- tell us who
6 you're with.

7 CLIFF BOROFSKY: -- Cliff Borofsky,
8 Bexar County Administrator. And I am against the
9 bill.

10 There are several issues, some of which
11 I've already expressed. And, Representative Anchia,
12 I did want to change what I think, because I think I
13 misunderstood your question, because yes, this does
14 change the fact that a person could vote. If they
15 didn't have it or more -- I mean, they could sign
16 and (inaudible) vote. But under this bill, as I
17 understand it, you either have to have a photo I.D.
18 or two others. I think that's a demanding
19 requirement.

20 What I might suggest before I forget is we
21 might consider a grace period. In other words, for
22 a period of time to be determined for everybody who
23 came to vote we would hand them a notice so that
24 they would, say, okay, the next time or starting in
25 November you are going to have this requirement.



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1 Because not enough people read newspapers, not
2 enough people are going to watch T.V. You know,
3 short of mailing a notice to every single registered
4 voter, which I suppose is a possibility, it would
5 cost some money. But if I handed that out to each
6 voter for a period of time to be determined and then
7 implemented it, it might take a little bit better
8 notwithstanding any other arguments against it.

9 There were some comments that you have to
10 show an I.D. in H.E.B., you have to show an I.D. at
11 the airline. You do, but you don't have to show
12 two; you only have to show one. And it is a photo
13 I.D., but it's not two.

14 So, again, there's going to be an
15 immediate perception to this that they're infringing
16 on that.

17 And I think this has been stated before,
18 which is a very good idea. The key point is not
19 having voter registration without some I.D.
20 Currently, if you register by mail under HAVA, you
21 send it in. You have to send in some forms of I.D.
22 with it. If not, which you haven't, you have to
23 show that I.D. even if you have a card, because you
24 didn't show it when you registered. But if you have
25 a deputy volunteer registrar sign you up, you don't



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1 have to show, or if I walk into my office, like I
2 was saying, fill out the card currently, get the
3 card, go over and get a driver's license. So the
4 I.D. point, the critical I.D. point is at the point
5 of registration, at least in my mind.

6 A couple other points that I just wanted
7 to bring up is I -- I do not recommend that they use
8 the license to carry a concealed handgun issued to a
9 person as an I.D. even if it does have a photo. I
10 just think it would create kind of like, well, does
11 he have one or doesn't he? If I give him the wrong
12 ballot is he going to shoot me, you know. It may be
13 a little much. I just think you're creating a stir
14 in the place. There are thoughts or I.D.s you could
15 use. You do use a Sam's card to have a photo. So
16 if you've got a Sam's card or a concealed handgun, I
17 would really rather they use the Sam's card. That
18 was one.

19 And then I -- then I had a question,
20 because I wasn't sure of the answer. And that was
21 at -- on Nos. 10 and 11, a library card with a
22 person's name. I think people under the age of 18
23 can get a library card although they can't get a
24 voter registration card. And similarly I'm not sure
25 if people under 18 like junior hunting and fishing



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1 licenses, as well. Other than that...

2 CHAIRMAN BOHAC: I actually have a
3 question for you.

4 CLIFF BOROFSKY: Yes, sir.

5 CHAIRMAN BOHAC: Going back in my
6 history file, I remember in Harris County when we
7 moved to electronic voting machines, there were news
8 reports that the sky was going to fall because we
9 went to electronic voting, because of over 65 folks,
10 people that were too young, too old, too rich, too
11 poor, too this, too that. But what we set out to
12 do, and we did quite successfully, was a major
13 education campaign. So all the radio stations were
14 involved, all the print media was involved, all the
15 television media was involved.

16 And I guess my question for you is do you
17 think -- in lieu of a grace period, don't you think
18 kind of the natural market voices of the way
19 information is dispensed that this will be
20 effectively communicated to the voting populace?
21 After all, they are paying attention to who's voting
22 and who's not. They're getting mail pieces in the
23 mail, they're seeing people advertised on T.V.

24 I'm just wondering do you think in lieu of
25 a grace period that the natural grace period would



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1 work?

2 CLIFF BOROFSKY: No. I think you
3 over-estimate the power of the press in this regard.
4 Well, I think you over-estimate the number of people
5 who can afford to send enough pieces of paper to
6 some people.

7 There are -- there are -- you know, one of
8 the things we talked about are people who are
9 disenfranchised. I think there's still a
10 significant population out there who's never been
11 enfranchised in the first place.

12 If you're not a regular voter -- and I
13 kind of got a whiff of this yesterday. If you're
14 not a regular voter, you're not going to get a mail
15 piece, because nobody thinks you're going to vote
16 anyhow. So if you're not going to get a mail piece
17 in this election and nobody's going to come knock on
18 your door because you're not a voter, then you're
19 not going to get the information any other way
20 except maybe by word of mouth in some areas.

21 I -- I would like to suggest that you
22 might talk to some of the folks like in Hidalgo
23 County, Cameron County and some of those areas where
24 it may be tougher to get some of that kind of work
25 out to the -- to the people. And I don't know if a



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1 grace period is -- is required. I -- it's just an
2 I.D. that -- that actually might work if people see
3 it in writing when they go to vote and they take it
4 home. But there are a significant number of people,
5 I think, still who may not have - I think this was
6 brought up; Ms. Little, maybe it was she who brought
7 it up, maybe not - have two pieces of I.D. They
8 might have a personal I.D., but they might not be
9 the homeowner in which they're living, so the
10 utility bill won't be in their name. They may not
11 have a checking account, so they won't have that in
12 their name. They may not be a pilot, so they won't
13 have a pilot's license. I just think we need to
14 address some of this a little more specifically.

15 But, again, we have some pretty good rules
16 now, and I think the crux of the I.D. point is at
17 the point of registration, beyond which a lot of
18 that has been covered already especially with
19 provisional voting at the polls.

20 CHAIRMAN BOHAC: All right. Thank
21 you for your responses.

22 REPRESENTATIVE HUGHES: Mr. Borofsky,
23 I don't -- I am curious about this, and if you don't
24 know, DPS might. Is a polling place one of those
25 places where a concealed handgun licensee can or



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1 can't carry --

2 CLIFF BOROFSKY: You cannot.

3 REPRESENTATIVE HUGHES: You can't.

4 CLIFF BOROFSKY: You cannot.

5 REPRESENTATIVE HUGHES: Okay. Again,
6 I appreciate it.

7 CLIFF BOROFSKY: But you can take the
8 card.

9 REPRESENTATIVE HUGHES: Okay.

10 CLIFF BOROFSKY: But you're not
11 supposed to show it.

12 REPRESENTATIVE HUGHES: I'll remember
13 to not do that. Thank you.

14 CHAIRMAN BOHAC: All right. Thank
15 you very much.

16 CLIFF BOROFSKY: Thank you.

17 CHAIRMAN BOHAC: The Chair recognizes
18 Paula Littles. She is here representing Texas
19 AFLCIO.

20 PAULA LITTLES: I testified on the
21 first one.

22 CHAIRMAN BOHAC: Okay. She does not
23 wish to testify, but we will make her views known in
24 the records.

25 The Chair now calls Alison Brock. She is



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1 with Unlocking Your Vote campaign. She is here to
2 testify against the bill.

3 ALISON BROCK: (Inaudible).

4 CHAIRMAN BOHAC: She does not wish to
5 testify, but we will place her views in the record
6 as being against the bill.

7 We -- the Chair now calls Ken Bailey with
8 the Texas Democratic parties. He is against the
9 bill.

10 Ken, if you could introduce yourself and
11 tell us who you're with.

12 KEN BAILEY: Yeah. Thank you, Mr.
13 Chairman. My name is Ken Bailey, and I represent
14 Texas Democratic Party. We're opposed to this bill.
15 If it was either the voter registration or voter
16 I.D. or two others we could -- we could live with
17 that. But I've been voting since 1969, and I have
18 my voter registration card every time. And that's
19 what I expect when I go vote. The people in nursing
20 homes, you know, that's what they expect. If you
21 get a ride to the polls, the person in the nursing
22 home may not have the I.D. They may not have
23 anything about their voter registration.

24 Where we feel the real problems that we
25 have seen in the elections is mail ballots. We're



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1 just talking about when you show up, show your I.D.
2 Well, so we just think this is a bad deal to add one
3 more thing.

4 You want me to vote, but you want to make
5 me bring one more thing to the polls to vote, and we
6 just think that's wrong.

7 CHAIRMAN BOHAC: But you're aware
8 when we vote by mail, the very first time a person
9 sends an application to vote by mail they are
10 required to send a valid form of identification?

11 KEN BAILEY: No, sir, because I
12 didn't do that last time I voted by mail.

13 CHAIRMAN BOHAC: That was --

14 KEN BAILEY: Voter registration, you
15 have to have I.D., if it's the first time you have
16 voter registration, because I'm a deputy registrar.
17 I have to see your I.D. So when you register,
18 that's when the I.D. is being sought right then. If
19 I show you my voter registration, somebody's already
20 seen my I.D.

21 Now, under the new HAVA stuff, you know, I
22 just fill out a form and say I'm going to be out of
23 town; send me a mail ballot.

24 CHAIRMAN BOHAC: That was a new rule
25 that we adopted under the last session under the



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1 HAVA -- HAVA recommendations. So thank you very
2 much. Members, any questions for Mr. Bailey?

3 KEN BAILEY: Thank you.

4 CHAIRMAN BOHAC: Thank you, Ken.

5 The Chair now calls Lori Vanhoose. She is
6 with Advocacy, Inc. She is here to testify against
7 the bill. Lori, if you can introduce yourself and
8 tell us who you're with.

9 LORI VANHOOSE: I'm Lori Vanhoose for
10 Advocacy, Incorporated, a formally mandated
11 (inaudible) agency for individuals with
12 disabilities. And I'm just going to be really
13 quick.

14 I just want to let you know I'm here
15 representing probably the largest population that
16 does not have photo identifications. And we do a
17 lot of the outreach in the community to try to let
18 individuals know that they can take a government
19 check or trying to find out what kind of
20 identification they have that they can take to vote.
21 And I'm just concerned, as is everyone else, that
22 these individuals are not going to know about this
23 change.

24 We finally have individuals with
25 disabilities out voting. You told me I could take



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1 my utility bill or you told me I could take this,
2 and I'm going to go vote. And they're going to get
3 out there and they're not going to receive -- it's
4 going to be very hard to outreach to them to
5 allow -- to let them know as with other voters that
6 there are more requirements put on them.

7 Also, I will reiterate what I had stated a
8 couple weeks ago. The No. 1 -- the most
9 controversial provision of HAVA was the
10 identification requirements. And you can look at
11 the HAVA transcripts and see that Congress realized
12 that identification -- the burden of identification
13 is method of disenfranchisement.

14 Also, I appreciate the fact that an
15 individual could receive a (inaudible) or personal
16 identification certificate. But my question is I
17 wonder what type of I.D. a person has to have to
18 obtain an individual I.D. certificate.

19 It seems almost circular. They're going
20 to have to go purchase a birth certificate or some
21 other form of certificate in order to get the free
22 identification certificate. I don't know. I would
23 imagine in order to obtain a personal identification
24 certificate you have to show some form -- I don't
25 know exactly what it is, but that's a question I



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1 have.

2 Also, I'll send to you tomorrow -- I've
3 been working on a list that outlines what every
4 single state requires for identification to register
5 and to vote at the polls. That should be finished
6 tomorrow, and I will send that to you. So far it
7 looks like if this were to pass, Texas and Arizona
8 would be by far the strict -- the most strict
9 requirements for individuals to go vote. So I'll
10 send that to you.

11 And thank you for the opportunity. Anyone
12 have any questions?

13 CHAIRMAN BOHAC: Members? Thank you
14 very much. Great testimony.

15 (Inaudible). Okay. The Chair now calls
16 Anne McAfee. She's representing herself. I do not
17 believe Ann is here, based on history. And she is
18 against the bill. We will so note that.

19 The Chair now calls Nina Perales. She is
20 with the Mexican American Legal Defense and
21 Educational Fund. She is here to testify against
22 the bill.

23 Ms. Perales, if you could identify
24 yourself and tell us who you're with, that would be
25 terrific.



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1 MS. PERALES: Thank you, Chairman
2 Bohac and Members of the House Election Subcommittee
3 on Voter Verification. I'm Nina Perales, Regional
4 Counsel for the Mexican American Legal and
5 Educational Fund, MALDEF, nonpartisan organization
6 that protects and defends legal rights and voting
7 rights.

8 I'm here today to advise you of MALDEF's
9 opposition to HB-1706. And my comments are equally
10 applicable to HB-1293 and 1402.

11 We oppose the bill because they remove the
12 ability of the voters to present a voter
13 registration certificate at the polls to be accepted
14 for voting. The bills are not based on any
15 substantial evidence of voter fraud by persons who
16 appear to vote in person with a voter registration
17 certificate.

18 The current law is an either/or option.
19 Come with your voter registration or, if you don't
20 have it, you'll have to produce some forms of
21 identification. This -- all three bills and HP-1706
22 eliminates the ability to be accepted by voting by
23 using the voter registration certificate.

24 The bills are unnecessary. We have heard
25 of no report of anybody attempting to vote by using



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1 the voter registration certificate in person who was
2 not who they said they were. And maybe others can
3 come with the -- with some kind of evidence that
4 this has occurred, but like others, we've heard of
5 voter fraud in other settings in people who vote not
6 in person, but never somebody who comes to vote in
7 person fraudulently, holding a voter registration
8 certificate that is not their own.

9 What these three bills will do inevitably
10 is prevent some voter from casting a ballot on
11 election day, because they remove a way for you to
12 be accepted as a voter.

13 Some voters only have their registration
14 certificate when they go to vote. Someone has
15 already mentioned the example of elderly voters who
16 do not drive. Elderly voters who do not drive
17 aren't going to be able to meet the I.D.
18 requirements under these bills.

19 Similarly, remember non-drivers whose mail
20 is addressed to a Post Office box are not going to
21 be able to meet the requirements. And, finally,
22 rural and urban (inaudible) members who live in
23 households where somebody else pays the bill. If
24 you are in -- if you're in -- imagine a 20-year-old
25 unmarried person living in Houston, takes public



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1 transportation, didn't have a driver's license but
2 who's living at home and whose utility bills and
3 other kind of correspondence are going to be
4 addressed to his parent and not to him. These bills
5 will force the voters that I just mentioned to take
6 additional steps to acquire additional forms of
7 identification or exclude these voters from voting
8 altogether.

9 It will also discourage voters by creating
10 longer lines at the polls and forcing some voters to
11 return home to find additional material and then
12 come back a second time to be accepted for voting.

13 All three bills violate the Help America
14 Vote Act. I know that you heard somebody else get
15 up and tell you that they don't, but they all three
16 do.

17 The reason there is litigation pending in
18 the Senate right now in the U.S. Congress is because
19 HAVA does not say what these three bills say. And
20 Texas can't get out in front of federal regulation,
21 because of preemption issues. Right now under HAVA
22 the only people who -- right now under HAVA when you
23 are a first-time registrant in the county and you go
24 and registered by mail and you go to the polls, you
25 are only required to produce one of the utility bill



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1 or a bank statement.

2 What these bills do, all three of them, is
3 require you to produce two. If Texas requires a
4 voter, first-time registrant in the county who voted
5 by mail, to produce two of something that the
6 federal law only requires them to produce one of,
7 you're going to have a HAVA violation.

8 When Texas accepted the HAVA funds, Texas
9 agreed to run it a certain way. You'll either have
10 to give back the money, which I'm not sure is really
11 a possibility given the enormous amount of money
12 that Texas has received, or you'll have to create
13 two different systems for accepting voters, one
14 system for accepting voters who are first-time
15 registrants in the county who voted by mail and will
16 only have to produce one of a certain kind of
17 document, and another system for accepting all other
18 voters who will then, if they don't have their
19 driver's license, have to produce two of this list
20 of documents.

21 It also introduces a likelihood that
22 election officials will begin to refuse voters whose
23 address on their driver's license doesn't match the
24 address on the poll. And this is when -- when you
25 heighten the importance of the photo I.D., and



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1 particularly the driver's license, you are going to
2 have poll workers who are going to reject voters
3 because the addresses don't match. And in order to
4 get the address on your driver's license to match
5 your voter rolls if you've moved, you're going to
6 have to go get a new driver's license, because
7 normally you are not issued a new driver's license
8 when you change your address. You get a certificate
9 for dollars. So if you want these documents, you
10 know, to match when you go to the polls you're going
11 to have to pay 24 dollars and go on down and get a
12 new driver's license if you've moved. None of those
13 fees are taken care of, by the way, in 1706.

14 Finally, the bills give poll workers, many
15 of whom are volunteers and not experts in proof of
16 identification, a greater and unwielding
17 administrative task. Workers at the polls will have
18 to make hundreds of judgment calls a day as to
19 whether a particular form of I.D. is acceptable.

20 MALDEF urges the subcommittee to rely on
21 the voter registration card as sufficient
22 documentation to accept the voter. It is a lot
23 easier to accept a voter registration certificate
24 than it is to -- again to juggle whether or not a
25 piece of correspondence is from a government agency,



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1 whether it's official or unofficial, and the various
2 other things that are created when you add all these
3 documents onto the list.

4 These bills do not prevent people from
5 assuming your identity and voting on your behalf in
6 early voting. Other bills may be able to deal with
7 that, but these bills do not prevent somebody from
8 early voting for you. And because HAVA requires
9 registrants to prove their I.D. at the time of
10 registration, today somebody cannot go out and
11 register three different times as three different
12 people -- as three different people as was mentioned
13 earlier.

14 In conclusion, good government does not
15 require more bureaucracy than it needs to carry out
16 its functions. The bills before the Committee place
17 more requirements on voters and more requirements on
18 poll workers, and they lack justification and any
19 evidence of fraud by voters who rely on the
20 certificate when they present themselves at the
21 polls. Thank you.

22 CHAIRMAN BOHAC: I have a comment for
23 you -- or it really is a question. I was just kind
24 of thinking outside the box for a moment. Really,
25 this could almost be paradoxical. I remember both



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1 my parents who are both over 65 -- in fact, my
2 mother is 70 and my father is 71. And of course I
3 say on election day in my district, "Mom and dad,
4 please go vote." And they will say quite frequently,
5 "I don't know where my card is." And I will have to
6 say, "You know what, you don't need your card. Just
7 go down there, show them your driver's license."

8 So I'm just wondering if we really broaden
9 our thinking about this, once people were educated
10 that all you needed was actually a government-issued
11 form of identification, it actually may incur more
12 participation in the process rather than less
13 participation once we started educating people like
14 my parents and like people of their generation that
15 you actually don't even need the -- the voter
16 registration card anymore.

17 So I was just throwing that out there.
18 Chew on that a little bit.

19 MS. PERALEZ: I respectfully
20 disagree, Chairman Bohac. Right now you have the
21 option of either. And the more public education,
22 the better. MALDEF supports public education. Let
23 people know they can go with these other documents,
24 but please don't shut down the ability to bring your
25 certificate, because your parents are -- are, thank



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1 goodness, able to produce a driver's license.

2 My grandmother is 96. She does not have a
3 driver's license, and she does not pay the bills,
4 because she lives with my father. She would not be
5 able to vote under these bills.

6 So we urge greater access and greater
7 public education, but not to foreclose the avenue
8 that many people have to go and vote.

9 CHAIRMAN BOHAC: Do you think that
10 there are any voters out there who assume wrongfully
11 that they have to have their voter registration
12 cards in order to vote, that they have to have that
13 document and, therefore, they don't go to the polls
14 simply because they know that they can't -- I
15 couldn't even tell you where my voter registration
16 card is --

17 MS. PERALES: Uh-huh.

18 CHAIRMAN BOHAC: -- frankly speaking.
19 But do you think that actually inhibits some people
20 from going to polls because they cannot find that
21 voter registration card, because they mistakenly
22 believe they have to have that card?

23 MS. PERALES: I'm not aware of any.
24 If there are, we -- we would certainly urge public
25 education to let them know that they can bring that



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1 piece of documentation.

2 I'm more familiar with people who -- who
3 go around with their certificate in their wallet as
4 I do, just in case you find out there's a special
5 election or an election. You just can walk right
6 over to the County Courthouse in Bexar County and
7 cast my vote with my certificate that is always in
8 my wallet. I think if you shut down that mechanism
9 you're going to exclude more people, and you're not
10 necessarily going to include more people who are
11 unaware now that you can use a driver's license.

12 CHAIRMAN BOHAC: That election that
13 pops up would certainly only be a bond election.

14 REPRESENTATIVE HUGHES: (Inaudible).

15 CHAIRMAN BOHAC: Are there any other
16 questions, Members? If not, I will recognize that
17 is our last -- no, I'm sorry.

18 MS. PERALES: Thank you.

19 CHAIRMAN BOHAC: We have Ann
20 McGeehan. She is with the Secretary of State's
21 office, and she will probably have some very
22 enlightening testimony for us. She is neutral on
23 the bill.

24 ANN MCGEEHAN: Ann McGeehan, Election
25 Division, Texas Secretary of State's office.



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1 Well, I did want to mention what the --
2 the requirement for identification today is a person
3 who registers to vote by mail for the first time is
4 required to present proof of identification. They
5 have a choice. They can enclose a copy of that
6 identification when they submit their voter
7 registration application, or they can bring that
8 identifying with them when they come to the poll.

9 The -- and that's a HAVA federal
10 requirement that was incorporated into state law
11 last --

12 CHAIRMAN BOHAC: Ann, can you repeat
13 that one more time?

14 ANN MCGEEHAN: Okay. Reps to
15 voter --

16 CHAIRMAN BOHAC: I can't really hear
17 you very well --

18 ANN MCGEEHAN: Sorry.

19 CHAIRMAN BOHAC: -- I apologize.
20 This is a very important, critical point that you're
21 making here.

22 ANN MCGEEHAN: Right. HAVA requires
23 a person who registers to vote in the state for the
24 first time by mail to provide proof of
25 identification. They can provide it by submitting



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1 that identification with their voter registration
2 application, or they can choose to bring that
3 identification with them when they show up to vote.
4 Their -- their name -- their name's annotated on the
5 list of registered voters with a notation that
6 identification is required from that voter. Okay.
7 So that -- that's separate and apart from any
8 requirements for showing certificate or
9 identification at the polling place.

10 The -- that first-time voter
11 identification requirement essentially disappears
12 once the State has implemented the statewide voter
13 registration list, because what HAVA says is once
14 the State has -- is maintaining the official list of
15 registered voters and once the State is verifying
16 the driver's license number or the Social Security
17 number is provided or the personal identifying
18 number that's provided on the driver's license, once
19 the State is verifying that, then the requirement
20 for first-time voters who are registering by mail to
21 produce identification, that disappears.

22 I just wanted to clarify what -- what that
23 requirement is.

24 CHAIRMAN BOHAC: Members, any other
25 questions? If not, thank you very much.



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1 And the Chair will recognize Chairwoman
2 Denny to close her bill.

3 CHAIRWOMAN DENNY: Thank you, Mr.
4 Chairman, Members. I -- I thank you, Ann McGeehan,
5 for clearing that up, because that is the only case
6 in which identification is required for voter
7 registration. I mean, you can still go to the Post
8 Office or the library and, you know, fill out a
9 voter registration card and take it to her office or
10 work through a Deputy Voter Registrar and do it that
11 way.

12 Also, I wanted to let you know that voters
13 without I.D. are still allowed to vote provisionally
14 under -- under this bill.

15 A question had come up, too -- I'm -- I'm
16 sorry, I don't remember which one of you all asked
17 what the requirements of other states are. I think
18 it might have been you, Brian.

19 16 states currently require voters to show
20 some forms of I.D. at the polling place. Five of
21 these require photo I.D. Five require the voters to
22 show the proof of identity and/or address when
23 registering to vote. Two states require voters to
24 show proof of citizenship when registering to vote,
25 although there are movements in several states for



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1 this requirement to expand. Okay?

2 And so, anyway, I -- I am working on a
3 Committee Substitute that will address early voting
4 by mail, the -- because I think -- or voting by
5 mail. And -- because that is -- that was overlooked
6 in this provision and -- or in this bill, and we
7 don't want to overlook that, because we do want to
8 require a copy of a photo I.D. to be mailed in with
9 that.

10 And I think we could rely on our election
11 division as well as our different counties, but --
12 but certainly a -- a statewide program of education
13 to -- when we would implement a program of this
14 magnitude. They've done a marvelous job in the past
15 when we have had to implement large changes to the
16 election system in educating our voters, frankly, on
17 what's required or -- or different changes in the
18 law so that voters are not disenfranchised and
19 not -- not caught unaware of what's going to be
20 required of them when they go vote.

21 And public service announcements, if you
22 want to call it that, to be -- put in things like
23 people's utility bills and bank statements. And I
24 mean, so often the business community is very -- is
25 very helpful. And, you know, the private sector



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1 really joins in and helps throughout the State to
2 notify people of massive changes in a public
3 service, as it were, spirit to -- to help the State
4 get the word out when we do changes of this nature.

5 So I don't think it will be really
6 difficult to get everybody on board to try and
7 maximize voter turnout and participation, if we are
8 successful in doing this. I just think that it is
9 so important that we safeguard the integrity of the
10 vote and that -- that people are assured that their
11 vote will be counted and that no one usurped their
12 authority to cast their own vote.

13 And with that, I will close, and ask you
14 to leave the bill pending, Mr. Chairman, so that we
15 have a little bit more time to work on it. And I
16 thank you for your time this afternoon.

17 CHAIRMAN BOHAC: Thank you, Madame
18 Chairwoman.

19 The Chair will leave House Bill 1706
20 pending.

21 Members, do you have any other questions
22 or comments about the universe or anything else?
23 If -- if there are no other questions or comments,
24 the Subcommittee on Voter Verification is adjourned.
25 Have a terrific weekend.



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1 REPRESENTATIVE HUGHES: Thank you.
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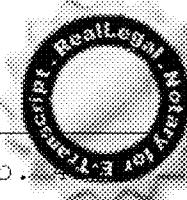
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